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*Attorney for Frank Alfter*

**UNITED STATES DISTRICT COURT  
OF NEVADA**

UNITED STATES OF AMERICA, )  
Plaintiff, ) 2:16-cr-00100-GMN-CWH  
v. )  
JAN ROUVEN FUECHTENER, )  
Defendant. )

**MOTION FOR EXPEDITED CONSIDERATION AND ADJUDICATION OF  
INTERESTED PARTY FRANK ALFTER'S OBJECTION TO MAGISTRATE JUDGE'S  
JULY 24, 2017 REPORT & RECOMMENDATION #207 RESTRAINING SALE  
PROCEEDS AT RELATED HEARING SCHEDULED FOR AUGUST 14, 2018**

COMES NOW, FRANK ALFTER, by and through undersigned counsel, Ivette Amelburu Maningo, of the Law Offices of Ivette Amelburu Maningo, appearing in a limited capacity in this case, and respectfully submits this Motion for Expedited Consideration and Adjudication of

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1 Interested Party Frank Alfter's Objection to Magistrate Judge's July 24, 2017 Report &  
2 Recommendation #207 Restraining Sale Proceeds at Related Hearing Scheduled for August 14,  
3 2018.

4 DATED this 27th day of July, 2018.

5 **Law Offices of Ivette Amelburu Maningo**

6 /s/ Ivette Maningo  
7 IVETTE AMELBURU MANINGO, ESQ.  
8 Nevada Bar No.: 7076  
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13 *Attorney for Frank Alfter*

14 **MEMORANDUM OF POINTS AND AUTHORITIES**

15 On November 17, 2016, Defendant, Jan Rouven Fuechtener, plead guilty to several counts  
16 in this case. Because Fuechtener was in custody and his husband, Frank Alfter, had returned home  
17 to Germany, the parties were no longer residing in their Las Vegas home located on Donald  
18 Nelson Avenue and accordingly, listed the property for sale. The residence was titled in the name  
19 of the F.A.J.R. Magic Trust, in which Frank Alfter and Jan Rouven Fuechtener are designated as  
20 Grantors, Trustees and Beneficiaries of said trust. On May 18, 2017, the Government filed an  
21 Emergency Motion for Restraining Order Under All Writs Act (ECF No. 164) requesting an order  
22 restraining distribution of the proceeds (\$1,318,868.82) from the May 25, 2017 sale of the home.  
23 Mr. Alfter intervened in the case on May 31, 2017 as an interested party and has participated in  
24 several rounds of briefing regarding his respective interests and rights in the proceeds of his home  
25 and the funds (total of \$975,300) that were eventually ordered deposited with the Court Clerk in  
26 this matter.

27 In the midst of litigating the issues related to the proceeds of the home held in escrow by  
28 the title company, Defendant Fuechtener filed a motion to withdraw his guilty plea on June 22,

1 2017. (ECF No. 269). Ultimately, on July 24, 2017, Magistrate C.W. Hoffman issued a Report  
2 and Recommendation (R&R") (ECF No. 210) recommending that the Court Clerk continue  
3 holding the \$975,300 previously deposited pending Defendant Fuechtener's sentencing to satisfy  
4 any criminal monetary penalties, with any remainder returned to the trust. The Magistrate further  
5 recommended that if Defendant Fuechtener was permitted to withdraw his guilty plea, the  
6 \$975,300 was to be released to the F.A.J.R. Magic Trust. Pursuant to the Magistrate's  
7 recommendation, the total funds that were to be released to the Trust was \$263,268.82. However,  
8 despite the Government's assertion in their Opposition to Defendant Fuechtener's Request for  
9 Release of Funds that said amount "went to the Defendant," the title company only released a  
10 portion of said funds to the Trust in the amount of \$133,568.82 and released \$210,000.00 to the  
11 Internal Revenue Service (15% of the total proceeds from the sale of the home).  
12

13 Objections to the R&R were filed by Defendant Fuechtener (ECF No. 210) and by Alfter  
14 (ECF No. 214) and the Government filed a Response to said Objections (ECF No. 217).  
15 Subsequently, on June 15, 2018, this Honorable Court denied Defendant Fuechtener's motion to  
16 withdraw his plea (ECF No. 269). As such, the funds deposited with the Court Clerk in the  
17 amount of \$975,300 were not released to the F.A.J.R. Magic Trust and are still being held by the  
18 Court Clerk. Defendant Fuechtener has filed an Emergency Request for Release of Funds (ECF  
19 No. 277) which has been opposed by the Government (ECF No. 278) and set for hearing on  
20 August 14, 2018. Alfter's Objection to the Magistrate Judge's July 24, 2017 Report &  
21 Recommendation #207 Restraining Sale Proceeds is still pending before this Honorable Court.  
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23 Defendant's recent request to release funds and the Government's opposition to same is  
24 related to Alfter's currently pending Objection to the R&R and therefore, Alfter's position as to his  
25 respective interests and rights in the funds should be considered accordingly. As such it is  
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1 requested that Alfter's Objection be expeditiously considered, that the undersigned counsel for  
2 Alfter be permitted to be heard at the August 14, 2018 hearing related to the release of said funds,  
3 and that Alfter's Objection be adjudicated at said time.

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DATED this 27th day of July, 2018

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**Law Offices of Ivette Amelburu Maningo**

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/s/ Ivette Maningo

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IVETTE AMELBURU MANINGO, ESQ.

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*Attorney for Frank Alfter*

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**CERTIFICATE OF SERVICE**

I hereby certify that on the 27th day of July, 2018, I served a true and correct copy of the foregoing *Motion for Expedited Consideration and Adjudication of Interested Party Frank Alfter's Objection to Magistrate Judge's July 24, 2017 Report & Recommendation #207 Restraining Sale Proceeds at Related Hearing Scheduled for August 14, 2018*, by submitting electronically for filing and/or service within the Court's CM/ECF system and by electronic mail on 27<sup>th</sup> day of July, 2018, to the following:

Christina D. Silva, United States Attorney  
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/s/ Rhiannon Gant  
Assistant to Ivette Amelburu Maningo, Esq.